

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

EDWARD L. MONROE	:	CIVIL ACTION
	:	NO. 10-3798
v.	:	
	:	
DAVID DIGUGLIELMO, et al.	:	

ORDER

AND NOW, this 31st day of July, 2013, upon consideration of the motion to dismiss plaintiff Edward L. Monroe's first amended complaint filed by defendants David DiGuglielmo, Thomas Dohman, Lt. Karanzan and Corrections Officers McGregory, Bright and Hayes (Dkt. No. 22) and plaintiff's response in opposition thereto (Dkt. No. 23), and consistent with the accompanying memorandum of law, it is ORDERED that the motion is GRANTED IN PART and DENIED IN PART and:

- 1) Plaintiff's claims against defendants Hayes and John Doe 7 are DISMISSED.
- 2) Plaintiff's claims against defendant DiGuglielmo are DISMISSED.
- 3) Count I of plaintiff's amended complaint alleging a violation of his right of access to the courts is DISMISSED in its entirety.
- 4) Count II of plaintiff's amended complaint alleging retaliation is DISMISSED to the extent that it asserts claims against defendants DiGuglielmo, Karanzan, McGregory, Bright, Hargrove and John Does 1-6.

As a result of this ruling, the only claim remaining in this lawsuit is plaintiff's retaliation claim against defendant Dohman.

It is FURTHER ORDERED that on or before August 23, 2013, plaintiff is permitted to file a second amended complaint to the extent that he is able to allege facts sufficient to support his dismissed claims. If plaintiff elects not to file a second amended complaint, he shall file a notice of his intent to stand on the remaining claim in his amended complaint on or before August 23, 2013.

s/Thomas N. O'Neill, Jr.
THOMAS N. O'NEILL, JR., J.